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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/820,449

03/29/2001

Jurij Beshenar

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7590

11/03/2004

WELSH & KATZ, LTD
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CHICAGO, IL 60606

EXAMINER

HAN, CLEMENCE S

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/820,449

Applicant(s)

BESHENAR ET AL.

Examiner

Clemence Han

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/29/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,8,9,11-14,17,21 and 22 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 7, 10, 15, 16 and 18-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date Z.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on March 29, 2000. It is noted, however, that applicant has not filed a certified copy of the 10015683.5 application as required by 35 U.S.C. 119(b).

Information Disclosure Statement

2. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 7, is attached to the instant Office action.

Specification

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37

CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(e) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The section (f), Brief Summary of the Invention, is missing from the specification.

Claim Objections

4. As shown in the following 35 USC § 112 rejections, there are numerous lack of antecedent issues in the claims. There are also several claims which appear to depend on wrong claims, even though they are not rejected under 35 USC § 112. For example, claim 6 recites the limitation "each reception data packet" in the first line. The "reception data packet" was first introduced in the claim 4. It looks like claim 6 should be dependent on claim 4. However, the examiner cannot make

assumption on the applicant's intention. Therefore, the examiner has made following art rejections without any assumption on the dependency. The examiner expects more close examination on the dependency of the claims in the response to this action.

5. Claim 1, 8-10, 12 and 16-20 are objected to because the following informalities: The references to the part in the figure are not necessary in the claim. Especially, "T" denoting "subscribers" in the claim 1 and 17 are not even in the parenthesis. Appropriate correction is required.

6. Claim 9 and 15 are objected to because the following informalities: The term "data block" is inconsistent with rest of application. In other claims, the term "data memory block" was used. (See claim 1 line 3 for example.) Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 9, 11-14, 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 9 recites the limitation "the subscriber state register" in the first line. There is insufficient antecedent basis for this limitation in the claim. The limitation "subscriber state register" was first introduced in the claim 8. However, claim 9 is not a dependent claim of the claim 8.

10. Claim 11 recites the limitation "the reception operation mode" in the first line. There is insufficient antecedent basis for this limitation in the claim. The limitation "reception operation mode" was first introduced in the claim 4. However, claim 11 is not a dependent claim of the claim 4.

11. Claim 11 recites the limitation "the stored filling state" in the second line. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 11 recites the limitation "the reception data packet" in the last line. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 12 recites the limitation "the reception data packet" in the first line. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 12 recites the limitation "the filling state" in the last line. There is insufficient antecedent basis for this limitation in the claim.

15. Claim 12 recites the limitation "the associated state register" in the last line. There is insufficient antecedent basis for this limitation in the claim.

16. Claim 13 recites the limitation "the writing operation" in the last line. There is insufficient antecedent basis for this limitation in the claim.

17. Claim 14 recites the limitation "the transmission operating mode" in the first line. There is insufficient antecedent basis for this limitation in the claim.

18. Claim 21 recites the limitation "the transmission data bus and reception data bus" in second line. There is insufficient antecedent basis for this limitation in the claim.

19. Claim 22 recites the limitation "the buses" in the first line. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

20. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

21. Claim 1, 4-6, 8, 17 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim (US Patent 6,697,366).

Regarding claim 1, Kim teaches a method of controlling a data transmission memory for the transmission of data packets between subscribers in which a

chained subscriber-pointer address list 200, 210, 220 with address pointers for addressing data memory blocks of a data memory 300 is stored for each subscriber in a pointer address memory.

Regarding claim 4, Kim teaches, in a reception operating mode, reception data packets received from various source subscribers via a reception data bus and are stored in data memory cells of a data memory block addressed by the subscriber-pointer address list (Column 3 Line 41-45).

Regarding claim 5, Kim teaches, in a transmission operating mode, output data packets in each case read out from a data memory block and sent to the associated destination subscriber via an output data bus (Column 3 Line 27-30).

Regarding claim 6, Kim teaches each reception data packet containing destination information data for identifying that destination subscriber for which the reception data packet is intended (Column 2 Line 9-12).

Regarding claim 8, Kim teaches the state of each chained subscriber-pointer address list stored in a subscriber state register (Figure 6).

Regarding claim 17, Kim teaches a data transmission memory for the transmission of data packets between subscribers with a pointer address memory for storing chained subscriber-pointer address lists 200, 210, 220, comprising pointer addresses, for each subscriber; a plurality of subscriber state registers

(Figure 6), which in each case store the state of an associated subscriber-pointer address list; a data memory 300 for storing data blocks which can be addressed by the pointer addresses; and with a memory controller 500 for controlling the pointer address memory and the data memory.

Regarding claim 22, Kim teaches the buses as Ethernet buses (Column 7 Line 42-43).

Allowable Subject Matter

22. Claim 2, 3, 7, 10, 15, 16 and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

23. Claim 9, 11-14 and 21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to the memory control in general.

U.S. Patent 6,021,132 to Muller et al.

U.S. Patent 5,426,424 to Vanden Heuvel et al.

U.S. Patent 6,088,777 to Sorber

U.S. Patent 5,784,698 to Brady et al.

U.S. Patent 6,604,147 to Woo

U.S. Patent 5,475,383 to Ohta et al.

U.S. Patent 6,421,769 to Teitenberg et al.

U.S. Patent 5,970,069 to Kumar et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (571) 272-3158. The examiner can normally be reached on Monday-Thursday 7 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C.H.

Clemence Han
Examiner
Art Unit 2665



ALPUS H. HSU
PRIMARY EXAMINER